

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 00-CR-80590

vs.

HON. GEORGE CARAM STEEH

JOHN SANDLES,

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION

On April 30, 2009, this Court entered an order denying pro se defendant John Sandles' motion to vacate his sentence pursuant to 28 U.S.C. § 2255. Now before the Court is Sandles' motion for reconsideration. In order to grant a motion for reconsideration, "the movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case." Local Rule 7.1(g)(3). The Court will not grant motions for reconsideration "that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." Id.

In his motion, Sandles argues that the Sixth Circuit should not have remanded this case for new trial as there was insufficient evidence of the jurisdictional element. This Court may not review the Sixth Circuit's opinion. Moreover, in its prior order denying Sandles' motion to vacate, this Court ruled that Sandles' knowing and voluntary guilty plea forbade his collateral attack alleging that this Court lacked jurisdiction to hear

his plea. Sandles also argues that his due process rights were violated because the government failed to prove jurisdiction. The Court considered and rejected this same argument in its prior order. Finally, Sandles argues that this Court failed to review his double jeopardy claims based on insufficiency of the evidence. This Court considered Sandles' double jeopardy argument in its order and found that it lacked merit in light of the Supreme Court's decision in Lockhart v. Nelson, 488 U.S. 33, 40-42 (1988) and the Sixth Circuit's decision in this case. United States v. Sandles, 469 F.3d 508, 510 (6th Cir.), cert. denied, ___ U.S. ___, 128 S. Ct. 229 (2007). Having failed to show a palpable defect by which this Court has been misled, Sandles' motion for reconsideration (Doc. 398) hereby is DENIED.

SO ORDERED.

Dated: May 26, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
May 26, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk